IAP6 Rec'd PCT/PTO 05 MAR 2007

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Express Mail No. EV826262408US

Applicant

;%

: Martin Bergsmann, et al.

Confirmation No. 1968

Application No.

: 10/566,144

Filed

: January 27, 2006

Title

: DEVICE FOR THE STORAGE OF SOLID AND/OR LIQUID AND/OR

GASEOUS OBJECTS

Grp./Div.

: 3651

Docket No.

: 57036/M521

PETITION REQUESTING RESETTING OF MAILING DATE OF NOTIFICATION OF MISSING REQUIREMENTS TO NOVEMBER 29, 2006 AND WAIVER OF PETITION FEE AND EXTENSION FEES

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Post Office Box 7068 Pasadena, CA 91109-7068 March 5, 2007

Commissioner:

This is a petition to the Commissioner to reset the mailing date for the Notification of Missing Requirements From June 5, 2006 to November 29, 2006.

The reason for the petition is that I, the responsible attorney for this case, nor anyone else in our firm ever received the Notification of Missing Requirements (allegedly mailed June 5, 2006) until November 29, 2006, when a mailed copy was received.

The evidence of not having received the Notification of Missing Requirements until the mailed copy was received on November 29, 2006, is set forth in the accompanying declarations of Marti Carrillo and Daniel G. Ferris.

As Daniel G. Ferris, the supervisor of the Christie, Parker & Hale docketing department, states in his declaration, he researched the docketing records of Christie, Parker & Hale for log entries for the subject application and did not find any indication of receipt of the Notification of Missing Requirements dated June 5, 2006 prior to receipt of the Notification of Missing Requirements on November 29, 2006.

Accordingly, it is requested that the Notification of Missing Requirements be reset with a mailed date of November 29, 2006, and that any extension fees and petition fees be waived.

The response to the Notification of Missing Requirements was filed by Express Mail on December 5, 2006, including the following:

Application No. 10/566,144

- 1. Transmittal Letter, PTO Form 1390 (copy attached).
- 2. An English translation of the application as filed, (the processing fee for the English translation was submitted along with the filing of the application);
- 3. The executed Declaration of the inventor, properly executed in compliance with 37 C.F.R. 1.497(a) and (b);
- 4. A Preliminary Amendment amending the Cross-Reference to Related Applications and claims for examination in this case;
- 5. A substitute Specification and Compare Copy;
- 6. A substitute Abstract;
- 7. Replacement Figures;
- 8. Information Disclosure Statement and Form PTO/SB/08A/B; and
- 9. Copy of the Notification of Missing Requirements.

Also enclosed is a copy of the Express Mail receipt noting the mailing on December 5, 2006.

It is requested that the extension fees be waived and that the mailing date for the Notice of Missing Requirements be reset to November 29, 2006

In the event there are any fees required, the Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account. A copy of this letter is enclosed.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

respected

D. Bruce Prout

Reg. No. 20,958

626/795-9900

DBP/mac Enclosures MAC PAS724950.1-*-03/5/07 5:12 PM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Martin Bergsmann, et al.

Confirmation No. 1968

Application No.

: 10/566,144

Filed

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Title

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: 3651

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DECLARATION OF MARTI CARRILLO

Commissioner for Patents

Post Office Box 7068

P.O. Box 1450

Pasadena, CA 91109-7068

Alexandria, VA 22313-1450

Commissioner:

I, Marti Carrillo, declare as follows:

- 1. I am legal assistant to D. Bruce Prout, attorney of record for the subject patent application.
- 2. I am responsible for all incoming mail for D. Bruce Prout after it has been processed through our Docketing Department.
- 3. I received by personal delivery from Dan G. Ferris, Supervisor of the Docketing Department of Christie, Parker & Hale, the Notification of Missing Requirements on November 29, 2006.
- 4. Upon review of the file no Notification of Missing Requirements had been received prior to the one received on November 29, 2006.

I declare under penalty of perjury that the foregoing is true and correct.

Date:

Bv:

Marti/Carrillo\

Legal Assistant

DBP/mac

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Martin Bergsmann, et al. Confirmation No. 1968

Application No. : 10/566,144

Filed

: January 27, 2006

Title

: DEVICE FOR THE STORAGE OF SOLID AND/OR LIQUID AND/OR

GASEOUS OBJECTS

Grp./Div.

: 3651

Docket No.

: 57036/M521

DECLARATION OF DANIEL FERRIS

Commissioner for Patents

Post Office Box 7068

P.O. Box 1450

Pasadena, CA 91109-7068

Alexandria, VA 22313-1450

February 28, 2007

Commissioner:

I, Daniel G. Ferris, declare as follows:

- I am the Supervisor of the Docketing Department of Christie, Parker & Hale, 1. LLP. I have been employed in this capacity for about the past 12 years.
- 2. In the regular course of business in my department, my department dockets all U.S. Patent and Trademark Office mail, on a daily basis, received by Christie, Parker & Hale, LLP. I have reviewed our log for entries relating to U.S. Application No. 10/566,144, and have confirmed that our office did not receive the Notification of Missing Requirements, dated June 5, 2006, until November 29, 2006. In support of this declaration, attached are the following documents:
- a) A screen print of the Missing Requirements action from our firm's docketing records. The Commissioner's attention is drawn to the "Received" date, the "Created" date, and the "Remarks", all of which support our contention of late receipt of the action;
- b) A copy of the prosecuting attorney's weekly calendar, which was printed on November 27, 2006, for due dates between December 4, 2006 and December 6, 2006. As can be seen, at the time the calendar was printed, no docket entry was entered for a response to a Notification of Missing Requirements which would have a due date of December 5, 2006; and,

Application No. 10/566,144

c) A copy of the Notification of Missing Parts, bearing a "Date Received" stamp of November 29, 2006.

In view of this evidence, applicant respectfully requests a waiver of the requirement under Rule 1.136 for fees for an extension of time to respond to the Notification of Missing Requirements dated June 5, 2006.

I declare under penalty of perjury that the foregoing is true and correct.

Date <u>2/28/07</u>

Daniel G. Ferris

DBP/mac

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WEEKLY PROSECUTION Calendar: 11/25/2006 to 12/17/2006 weekend Attorney - DBP D. Bruce Prout

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WEEKLY PROSECUTION Calendar: 11/25/2006 to 12/17/2006 weekend Attorney - DBP D. Bruce Prout

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Note: Asterisk * Indicates date falls on the Weekend Attorney - DBP D.

Filed: 11/18/2005 Filed: 11/18/2005 Filed: 03/01/2005 Filed: 09/05/2006 Filed: 11/15/2001 Filed: 03/29/2002 Filed: 08/23/2004 Filed: 03/06/2006 MEMBRANE-ELECTRODE ASSEMBLY, METHOD FOR PREPARING THE SAME, MEASUREMENT CONTROL APPARATUS INCLUDING INTERFACE CIRCUITS OPTICAL WAVEGUIDE MODULATOR EQUIPPED WITH AN OUTPUT LIGHT Mark: STRATEGIC SALES PROGRAM and Design AND FUEL CELL SYSTEM COMPRISING THE SAME LIQUID CRYSTAL DISPLAY DEVICE LIQUID CRYSTAL DISPLAY DEVICE Serial No: 79/015345 Fakeshi Yasuda et al Myoung-Ki Min et al al Manabu Yamada et al PLASMA DISPLAY DEVICE PLASMA DISPLAY PANEL Myoung-Kon Kim Taewoo Kim et Kyung-Ho Choi Kyung-Ho Choi (AS AMENDED) MONITOR DBP AAM DBP AAM DBP DBP DBPAAM DBP RJP DBP DBP AAM AAM UTL-ORD C UTL-ORD C UTL-PCT C UTL-ORD C 45923-PCT UTL-ORD C UTL-ORD C UTL-ORD C Ü TM/SM UII CONFORM FORGN CLAIMS TO USA? (06JAN07) PUBLISHED PUBLISHED PUBLISHED PUBLISHED PENDING PENDING ALLOWED ALLOWED FILE IDS/1449-3 MON (05SEP07) FILE IDS/1449-9 MON (06MAR07) FILE IDS/1449-(PAST DUE!) FILE IDS/1449-(PAST DUE!) RESPONSE DUE (06MAR07) OFFICE ACTION [3 MON] ISSUE FEE DEADLINE USA USA RESPONSE DEADLINE USA USA USA USA USA FINAL REJECTION PRIOR ART DUE PRIOR ART DUE NTC ALLOWANCE PRIOR ART DUE PRIOR ART DUE NTC ALLOWANCE S1082:55015 S1170:58294 51082:54991 8307:57638 A400:45923 A400:48144 X35:53014 X35:56747 12/05/2006 12/05/2006 12/05/2006 12/05/2006 12/06/2006 12/06/2006 12/06/2006 12/06/2006 Due Date Deadline Reminder Due Date Deadline Due Date Alert! Alert!



United States Patent and Trademark Office

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www.urpto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATT	Y. DUCKET NO.		
10/566,144	Martin Bergsmann	5	57036/M521		
		INTERNATIONAL APPLICATION NO.			
		PCT/DE04/01668			
23363		I.A. FILING DATE	PRIORITY DATE		
CHRISTIE, PARKER & HALE, LLP		07/26/2004	07/28/2003		
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Date Mailed: 06/05/2006	CHRISTIE, PARKER & HALE, LLP				

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/27/2006
- Copy of the International Search Report filed on 01/27/2006
- Information Disclosure Statements filed on 01/27/2006
- Oath or Declaration filed on 01/27/2006
- Request for Immediate Examination filed on 01/27/2006
- U.S. Basic National Fees filed on 01/27/2006
- Priority Documents filed on 01/27/2006

CASE - 5703	BO ACTION MISSING	Romis
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The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

IAP6 Rec'd PCT/PTO 05 MAR 2007

ORM PTO-1390 (Modified) REV. 7-2005) U.S. PATENT AND DEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE **DRNEY'S DOCKET NUMBER** TRAPSMITTAL LETTER TO THE UNITED STATES 57036/M521 DESIGNATED/ELECTED OFFICE (DO/EO/US) U.S. APPLICATION NO. (If known, see 37 CFR 1.5) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371 10/566,144 INTERNATIONAL APPLICATION NO. INTERNATIONAL FILING DATE PRIORITY DATE CLAIMED PCT/DE2004/01668 26 July 2004 28 July 2003 TITLE OF INVENTION DEVICE FOR THE STORAGE OF SOLID AND/OR LIQUID AND/OR GASEOUS OBJECTS APPLICANT(S) FOR DO/EO/US BERGSMANN, Martin; BERNDS, Adolf; CLEMENS, Wolfgang; GERLT, Axel; HALIK, Marcus; MULLER, Matthias; ROST, Henning; SCHMID, Gunter, TREUTLEIN, Roland Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. \boxtimes This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 2. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), 3. The US has been elected (Article 31). A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) 5. is attached hereto (required only if not communicated by the International Bureau). a. 🔲 b. 🗆 has been communicated by the International Bureau. is not required, as the application was filed in the United States Receiving Office (RO/US). c. 🔲 An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. 🔯 is attached hereto. b. 🗆 has been previously submitted under 35 U.S.C. 154(d)(4). Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) 7 \Box are attached hereto (required only if not communicated by the International Bureau). a. 门 b. 🗌 have been communicated by the International Bureau. have not been made; however, the time limit for making such amendments has NOT expired. c. 📋 d. [] have not been made and will not be made. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 8. An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). (4) 9. An English language translation of the annexes to the International Preliminary Examination Report under PCT 10. Article 36 (35 U.S.C. 371 (c)(5)). \boxtimes A copy of the International Preliminary Examination Report (PCT/IPEA/409). 11. 12. A copy of the International Search Report (PCT/ISA/210). Items 13 to 23 below concern document(s) or information included: 13. An Information Disclosure Statement under 37 CFR 1.97 and 1.98. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 14 15. × A FIRST preliminary amendment. 16. A SECOND or SUBSEQUENT preliminary amendment. 17. \mathbf{X} A substitute specification. 18. A power of attorney and/or change of address letter. 19. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. A second copy of the published International Application under 35 U.S.C. 154(d)(4). 20. Γ 1 A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4). 21. × 22. Express Mail Label No. EV826263108US

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007, OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. A check in the amount of \$ to cover the above fees is enclosed. b. Please charge my Deposit Account No. in the amount of \$ A duplicate copy of this sheet is enclosed. to cover the above fees. c.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment 03-1728 A duplicate copy of this sheet is enclosed. information should not be included on this form. Provide credit card information and authorization on PTO-2038. NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status. SEND ALL CORRESPONDENCE TO: Customer Number 23363 D. Bruce Prout, Esq. Christie, Parker & Hale LLP P.O. Box 7068 D. Bruce Prout Pasadena, California 91109-7068 NAME **United States of America** 20,958 REGISTRATION NUMBER

05 December 2006

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